

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 03-CV-473

USDC WD NC - 100000
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AYMAN MIHIAR,
Plaintiff,

v.

BOVIS LEND LEASE; BOVIS LEND
LEASE, INC.; BOVIS LEND LEASE
HOLDINGS, INC.; LEND LEASE
COMPANY; TOM MATYOLA; PETE
MARCHETTO; KAREN COE; MICHAEL
FEIGIN; SIMON HICKEY; DENIS
MOORE and MARK MELSON,

Defendants.

MOTION FOR EXTENSION OF TIME

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Pursuant to Rule 6 of the Federal Rules of Civil Procedure, Defendants Bovis Lend Lease, Inc. and Bovis Lend Lease Holdings, Inc. (incorrectly plead as "Bovis Lend Lease," which is not a legal entity, and hereafter referred to separately as "Bovis, Inc." and "Bovis Holdings"), Lend Lease Corporation Limited (incorrectly plead as Lend Lease Company), Tom Matyola ("Matyola"), Pete Marchetto ("Marchetto"), Karen Coe ("Coe"), Michael Feigin ("Feigin"), Simon Hickey ("Hickey"), Tom Matyola ("Matyola"), Denis Moore ("Moore") and Mark Melson ("Melson"), request an extension to respond to the Complaint in this matter. In support of this motion, Defendants show the Court as follows:

1. The underlying action was filed in Mecklenburg County Superior Court on August 29, 2003. The Defendants received purported service of the Summons and Complaint on September 2, 2003.
2. Defendants removed this action to this court on September 29, 2003, and have until October 6, 2003 to file their response.
3. Accordingly, the time of Defendants for answering or otherwise pleadings has not yet expired.
4. Defendants request an additional twenty (20) days, up to and including October 26, 2003, in which to respond to the Complaint.
5. Counsel for Matyola and counsel for the remaining Defendants have contacted counsel for Plaintiff to request plaintiff's consent to this motion. Plaintiff's counsel will not agree to an extension unless Defendants waive all objections to service. Defendants are not in a position to waive service objections at this time, particularly as to the Australian corporation. Defendants' objections to service and jurisdiction are being evaluated.

WHEREFORE, Defendants pray the Court for a twenty (20) day extension of time within which to answer or otherwise plead to the Complaint, up to and including October 26, 2003, and for such other relief as the Court deems just and proper.

This the 1st day of October, 2003.

Respectfully submitted,

By: 
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13253)
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Limited (incorrectly plead as Lend Lease
Company), Pete Marchetto, Karen Coe, Michael
Feigin, Simon Hickey, Denis Moore, and Mark
Melson*

Guy M. Allen (N.Y. Bar No. 5032)
(Motion for Admission *pro hac vice* to be filed)
Neil S. Rosolinsky (N.Y. Bar No. NR1869)
(Motion for Admission *pro hac vice* to be filed)
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By: James F. Wyatt III
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Counsel for Tom Matyola

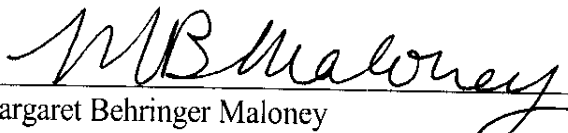
CERTIFICATE OF SERVICE

I, Margaret Behringer Maloney, hereby certify that on this date I served the foregoing MOTION FOR EXTENSION OF TIME upon the parties and counsel of record by depositing a copy thereof in the United States mail, postage prepaid and addressed as follows:

Bruce M. Simpson, Esq.
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This the 15th day of October, 2003.

By:


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